THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.NO.7661 OF 2006

ORDER:-

This writ petition was filed by the petitioner stating that his father was originally a landless poor person and he requested the Revenue Department to allot land towards construction of a house on payment of market value. The land was notified and the Revenue Divisional Officer, Kadapa issued a Gazette notification dated.10-01-1978 excluding the property in S.No.18/1, admeasuring Ac.0.02 cents from the control of Kadapa Municipality for the purpose of house site under Section 35(2) of the A.P. Municipalities Act. Thereafter, a notice was issued to the father of the petitioner on 04-11-1978 to remit the requisite amount towards cost of Ac.0.02 cents of land for assignment for the purpose of house site. The father of the petitioner paid an amount of Rs.750/- per cent totalling Rs.1500/- and orders were passed on 18-11-1978 assigning the said land in favour of the father of the petitioner. Subsequently, the house number was allotted and survey sketch was also issued. While so on 03-05-2005 a notice was issued by the respondents stating that the building was constructed by encroaching in an extent of 14 square meters on the road margin and he was asked to remove the encroachment within three days. The petitioner along with his brothers produced the necessary documents before the municipality. On 13-04-2006 some persons claiming to be workers from the respondents came to the house and informed them vacate the house, failing which they will demolish the building. In those circumstances, the present writ petition was filed. This court by order dated 20-04-2006 passed an order directing the respondents not to dispossess or demolish any portion of the building and also directing the petitioner not to make any further constructions.

When the writ petition came up for final hearing before this court, the learned Standing Counsel for the Municipal Corporation stated that the said notice was issued in 2006 as there was a proposal for widening the road and as on today there is no proposal to widen the road.

In these circumstances, this writ petition is disposed of directing the respondents not to demolish any portion of the building possessed by the petitioner except in accordance with law. No costs. Miscellaneous Petitions

pending, if any, shall stand closed.

A.RAMALINGESWARA RAO,J

31st JANUARY, 2014
TSNR